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F3M1/0109

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REEXAMINER	
ART UNIT	PAPER NUMBER
1302	
01/09/97	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

See attached office action.

Commissioner of Patents

Office Action Summary

Application No.
08/581,437

Applicant(s)
Marcus et al.

Examiner
John Rovnak

Group Art Unit
3302



☒ Responsive to communication(s) filed on Oct 4, 1996

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan.

Regarding claim 1, Ryan discloses an educational system, comprising: an object having at least one visually recognizable symbol thereon (10); an emitter within said object for emitting a signal uniquely representative of said at least one visually recognizable symbol (abstract); and an enclosure, including: a surface for supporting said object (2), a processor (52), including means for receiving said signal from said emitter, said processor capable of identifying said symbol from said signal, and capable of identifying a position of said object on said surface.

Regarding claim 2, Ryan discloses an apparatus for entering data into a computer, the data being entered via the placement of a plurality of objects on the apparatus, each object having

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at least one unique item of data associated therewith, comprising: a substantially flat, planar surface for receiving the placement of the plurality of objects; one or more detectors capable of detecting the at least one unique item of data associated with the object placed on the surface; a communication link capable of communicating the detected data from the apparatus to the computer (52).

Regarding claim 3, see Ryan, whereby the detectors are capable of detecting the location of an object on the surface.

Regarding claim 4, Ryan discloses an apparatus for receiving data from a data emission means within an object, and relaying the data to a computer, the data uniquely representative of indicia associated with the object, comprising: a surface for supporting the object at a user-defined location on said surface; sensors provided adjacent said surface for sensing the indicia-representative data from the data emission means, and for sensing said user-defined location of the object on the surface; and means for communicating the indicia-representative data and said user-defined location to the computer.

Regarding claim 5, the apparatus of Ryan further comprises means for giving off a signal capable of being received by the data emission means, said signal capable of empowering said data emission means to emit the indicia-representative data.

Regarding claim 6, Ryan discloses an apparatus for transferring data to a computer, the computer including a surface and means associated with said surface for receiving and forwarding data to the computer, comprising: an object capable of being supported on the surface

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at a user-defined location on the surface, said object including a character on a face of said object; and an emitter within said object for emitting data indicative of said character and said user-defined location, said data capable of being transferred to the computer by the data receiving and forwarding means.

Regarding claim 9, Ryan discloses a system for transferring data to a computer, comprising: a block having a character on a surface of said block; a surface for supporting said block at a user defined location on said surface; an emitter provided within said block, said emitter capable of emitting a signal representative of said character; and a reader in communication with the computer for receiving said signal and for receiving information indicative of said user-defined location of said block on said surface.

Regarding claim 12, Ryan discloses a system for transferring data to a computer, further comprising means for sending a power signal to said emitter, said power signal capable of energizing said emitter to enable said emitter to emit said signal.

Regarding claim 16, Ryan discloses an apparatus for entering data into a computer, the data being entered via the placement of a plurality of objects on the apparatus, each object having at least one unique item of data associated therewith, comprising: a surface for receiving the object; one or more detectors capable of detecting the at least one unique item of data associated with the object regardless of where the object is placed on the surface; a communication link capable of communicating the detected data from the apparatus to the computer.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Foley.

6. It would have been obvious to one of ordinary skill in the art that the visually recognizable symbol of the game piece of Ryan could comprise an alphanumeric character or a braille character as demonstrated by the game pieces of the educational device of Foley (Fig 6: raised letters for the blind).

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Chan.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art that the computer of Chan, comprising video screen, could replace the computer of Ryan, one obvious use of said video screen for prompting the user to select a game piece (block) and locate the game piece at the user-defined location (chess tutorial for example). Regarding claims 14 and 15, in view of the above discussion, see the abstract of Chan for the disclosure of the use of computer generated sound for feedback to user.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Attention is directed to the Teaching Machine of Luxton et al. Fig. 3.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

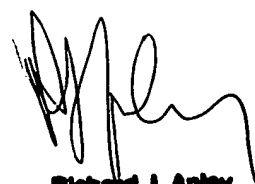
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rovnak whose telephone number is (703) 308-3087.

John Rovnak

January 3, 1997


Richard J. Apley
Supervisory Pat. Exr.
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